

makes informed decisions during the rulemaking process and to protect the public interest, including a negotiated rulemaking or work group led by a facilitator.

PETITIONS FOR RULEMAKING

§ 106.95 Requesting a change to the regulations.

You may ask PHMSA to add, amend, or delete a regulation by filing a petition for rulemaking as follows:

(a) For regulations in 49 CFR parts 110, 130, 171 through 180, submit the petition to: Office of Hazardous Materials Standards, Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001.

(b) For regulations in 49 CFR parts 105, 106, or 107, submit the petition to: Office of the Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Attn: PHC-10, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001.

[70 FR 56089, Sept. 23, 2005]

§ 106.105 PHMSA response to a petition for rulemaking.

We will review and respond to your petition for rulemaking as follows:

If your petition is . . .	And if we determine that . . .	Then . . .
(a) Incomplete	We may return your petition with a written explanation.
(b) Complete ..	Your petition does not justify a rulemaking action.	We will notify you in writing that we will not start a rulemaking proceeding.
(c) Complete ..	Your petition does justify a rulemaking action.	We will notify you in writing that we will start a rulemaking proceeding.

APPEALS

§ 106.110 Appealing a PHMSA Action.

You may appeal the following PHMSA actions:

(a) PHMSA's issuance of a final rule or PHMSA's withdrawal of a notice of proposed rulemaking under the rulemaking procedures in this part. However, you may appeal PHMSA's

issuance of a direct final rule only if you previously filed comments to the direct final rule (see § 106.40(e)).

(b) Any PHMSA decision on a petition for rulemaking.

§ 106.115 Required information for an appeal.

(a) *Appeal of a final rule or withdrawal of a notice of proposed rulemaking.* If you appeal PHMSA's issuance of a final rule or PHMSA's withdrawal of a notice of proposed rulemaking, your appeal must include the following:

(1) The docket number of the rulemaking you are concerned about, clearly set out at the beginning of your appeal.

(2) A brief statement of your concern about the final rule or the withdrawal of notice of proposed rulemaking at issue.

(3) An explanation of why compliance with the final rule is not practical, reasonable, or in the public interest.

(4) If you want PHMSA to consider more facts, the reason why you did not present those facts within the time given during the rulemaking process for public comment.

(b) *Appeal of a decision.* If you appeal PHMSA's decision on a petition for rulemaking, you must include the following:

(1) The contested aspects of the decision.

(2) Any new arguments or information.

§ 106.120 Appeal deadline.

(a) *Appeal of a final rule or withdrawal of a notice of proposed rulemaking.* If you appeal PHMSA's issuance of a final rule or PHMSA's withdrawal of a proposed rulemaking, your appeal document must reach us no later than 30 days after the date PHMSA published the regulation or the withdrawal notice in the FEDERAL REGISTER. After that time, PHMSA will consider your appeal to be a petition for rulemaking under § 106.100.

(b) *Appeal of a decision.* If you appeal PHMSA's decision on a petition for rulemaking, your appeal document must reach us no later than 30 days from the date PHMSA served you with written notice of PHMSA's decision.

[70 FR 56089, Sept. 23, 2005]